



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-06-08

DATE: March 10, 2006

TO: State Survey Agency Directors
State Fire Authorities

FROM: Director
Survey and Certification Group

SUBJECT: **Nursing Homes** – Upcoming Compliance Date for the Installation of Emergency Lighting and the Replacement of Existing Roller Latches in Corridor Doors – March 13, 2006

Letter Summary

- On March 13, 2006 several fire safety requirements related to the adoption of the 2000 edition of the Life Safety Code take full effect.
- Procedures are outlined when deficiencies are found in replacement of roller latches and replacement of emergency lighting batteries.

The purpose of this memorandum is to notify States and Regional Offices (ROs) of the upcoming dates for nursing homes to comply with requirements concerning emergency light and the replacement of roller latches originally published January 10, 2003, in the **Federal Register** (Vol. 68, No. 7, page 1374) as a final rule entitled “Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities.” This regulation adopted the National Fire Protection Association (NFPA) 101 - 2000 edition of the Life Safety Code (LSC), and related changes to the fire safety regulations. Initial notice of adoption of the 2000 LSC and related changes were announced in S&C-03-21 dated May 8, 2003.

The above-mentioned regulation, which was effective March 11, 2003, gave facilities until March 13, 2006 to comply with two changes to the requirements. Those requirements included 1) replacing batteries used in emergency lighting, where required, to provide illumination for a minimum of 90 minutes; and 2) replacing roller latches commonly found in corridor doors with a positive latching device.

With the approaching compliance date of March 13, 2006 several States have asked about procedures that should be followed when surveying nursing homes that are not in compliance with either of these requirements when surveyed after March 13, 2006.

Beginning with fire safety surveys completed after March 13, 2006, deficiencies concerning the installation of 90-minute duration batteries used in emergency lighting shall be cited at Tag K-46, which deals with emergency lighting requirements. Deficiencies in the replacement of roller latches with a positive latching device shall be cited at Tag K-18, which includes requirements for corridor doors and latching requirements.

Deficiencies cited at either of these tags shall have a Scope/Severity level of D, E, or F depending on how widespread the deficiency is. **A waiver of either of these requirements, including temporary waivers, cannot be granted due to the negative impact on the health and safety of the residents of the facility and the regulatory requirements.**

If you have questions concerning this memorandum, please contact James Merrill at (410) 786-6998 or via email at James.Merrill@cms.hhs.gov.

Effective Date: All nursing home facilities must comply with the requirements of this rule by March 13, 2006.

Training: This information should be shared with all appropriate survey and certification staff, surveyors, their managers and state fire authorities and their staff.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management